

**IN THE CIRCUIT COURT FOR FREDERICK COUNTY, MARYLAND**

**Brian A. Mokricky**

:

:

**Plaintiff/Counter-Defendant:**

:

**v.**

:

**Case No.: 10-C-17-002277**

:

**Myra L. Mokricky**

:

:

**Defendant/Counter-Plaintiff:**

**COUNTER COMPLAINT FOR LIMITED DIVORCE, OR, IN THE ALTERNATIVE,  
ABSOLUTE DIVORCE, AND FOR OTHER RELIEF**

The Counter-Plaintiff, Myra L. Mokricky, by her attorney, Karen Robbins, files this  
Counter Complaint, stating as follows:

1. The Counter-Plaintiff is a resident of Pennsylvania.
2. The Defendant is a resident of Frederick County, Maryland, and has been a resident of  
said county and state for more than six months prior to the filing of this action.
3. The parties were married on August 23, 2008, in a religious ceremony in Allegany  
County, Maryland.
4. Two children were born to the parties as a result of their marriage; namely, Sidney W.  
Mokricky, born December 2009, and Sadie C. Mokricky, born April 2016.
5. Both parties are fit and proper people to have the minor children in their care and custody.
6. The parties separated on or about March 14, 2017, and have lived separate and apart,  
without cohabitation, since that time.
7. The minor children reside with both the Counter-Plaintiff at 230 Flatbush Road,  
Littlestown, PA 17340, and with Counter-Defendant at 509 E. Main Street, Thurmont,

MD 21788. For five years prior, the minor children lived with both of the parties at 509 E. Main Street, Thurmont, MD 21788 and from 2010-2014 at 5326 Cave Spring Lane, Roanoke, Virginia 24018.

8. Since the time of the minor children's births up until the parties' separation, the minor children were in the joint care and custody of both parties, both physical and legal. Since the parties' separation, the minor children have been in the joint care and custody of the parties. It is not in the best interests of the minor children that they continue to be in the shared physical custody of the parties.
9. It is in the best interests of the minor children that they be in the Counter-Plaintiff's sole physical care and custody.
10. It is in the best interests of the minor children that they be in joint legal custody of the parties.
11. The Counter-Plaintiff has not participated as a party, witness, or in any other capacity in any litigation, other than the present case, concerning the custody of the minor children in this or any other state.
12. The Counter-Plaintiff has no information of any custody proceeding concerning the minor children in this or any other state.
13. The Counter-Plaintiff knows of no person not a party to these proceedings who has physical custody of the minor children or who claims to have custody or visitation rights with respect to the minor children.
14. The parties have acquired marital property during their marriage over which this Court should take jurisdiction, vehicles, furniture and furnishings and bank accounts, and enter

appropriate orders.

15. The Counter-Defendant is employed and is well able to contribute to the support of the minor children of the parties, as well as contribute to Counter-Plaintiff's support, reasonable attorneys fees and court costs.
16. The Counter-Plaintiff is employed; however, by reason of age, education and employment history, she cannot reasonably be expected to make substantial progress toward becoming self-supporting; and even after she will have made as much progress as can reasonably be expected, she will be unable to fully support herself and the minor children and the respective standards of living of the parties will be unconscionably disparate.
17. The Counter-Plaintiff made significant monetary and non-monetary contributions toward the well-being of the family throughout the marriage.
18. There is no reasonable expectation of a reconciliation of the marriage of the parties.

#### **COUNT I -Constructive Desertion**

19. The Counter-Plaintiff incorporates by reference the allegations in Paragraphs 1 through 18.
20. Although the Counter-Plaintiff has at all times been a good and loving spouse, the Counter-Defendant has persistently treated her in such a manner as to make the continuation of the marital relationship impossible, if Counter-Plaintiff is to preserve her health, safety, and self-respect.
21. As a result of said treatment, Counter-Plaintiff was forced to leave the marital residence, which she did on March 14, 2017.
22. Said separation has continued uninterruptedly to and including the time of the filing of

this Counter Complaint..

**Count II - Voluntary Separation**

- 22. The Counter-Plaintiff incorporates by reference the allegations in Paragraphs 1 through 18.
- 23. The parties have lived separate and apart by agreement, voluntarily, continuously and without cohabitation, since on or about March 14, 2017.

WHEREFORE, the Counter-Plaintiff requests that this Court:

- A. Grant her a limited divorce from the Counter-Defendant.
- B. Award the Counter-Plaintiff sole physical custody of the minor children, and award the parties the joint legal custody of the minor children.
- C. Identify and value the marital and non-marital property of the parties.
- D. Determine the ownership of all personal property of the parties, regardless of how titled.
- E. Order a sale of all marital personal property of the parties not determined to be family use personal property, if necessary, and divide the proceeds equitably.
- F. Make a monetary award to the Counter-Plaintiff adjusting the parties' rights and equities in the marital property.
- G. Reduce any monetary award to a judgment in favor of the Counter-Plaintiff against the Counter-Defendant.
- H. Order the Counter-Defendant to pay Counter-Plaintiff's reasonable counsel fees, court costs, and suit money.
- I. Order the Counter-Defendant to pay spousal support to the Counter-Plaintiff, both *pendente lite* and permanently.

- J. Order that child support be paid pursuant to the principles of the Maryland Child Support Guidelines and Maryland state law.
- K. Grant Counter-Plaintiff any other relief available to the Counter-Plaintiff under the Family Law Article, Annotated Code of Maryland, and Maryland case law.
- L. Order any other and further relief that this Court may deem appropriate.

### **AFFIDAVIT**

I do solemnly declare and affirm under the penalties of perjury that the contents of the foregoing Counter Complaint are true and correct to the best of my knowledge, information and belief.

  
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Myra L. Mokricky

Respectfully submitted,



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KAREN ROBBINS  
Attorney for Counter-Plaintiff  
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### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was mailed, by first class mail, postage prepaid, this 31<sup>st</sup> of January, 2018 to: Thomas P. Sinton, Attorney for Plaintiff, 100 West Church Street, Suite 201, Frederick, MD 21701.

  
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Karen Robbins